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United States Attorney
District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FLORENCE T. NAKAKUNI #2286
Chief, Narcotics Section

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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00260 JMS
)	
Plaintiff,)	FIRST SUPERSEDING INDICTMENT
)	
v.)	[21 U.S.C. §§ 846, 841(a)(1),
)	(b)(1)(A)
JAMES LOW, (1))	
MICHAEL SILVA (2))	
)	
Defendants.)	
)	

FIRST SUPERSEDING INDICTMENT

The Grand Jury charges that:

Count 1

Beginning at a date unknown and continuing up to and including June 8, 2005, in the District of Hawaii, defendants, JAMES LOW and MICHAEL SILVA, did knowingly and intentionally combine, conspire, confederate and agree together, with each other, and with others known and unknown, to distribute 50 grams or more, to wit: approximately 2,935 grams, of methamphetamine,

its salts, isomers and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21 United States Code, Sections 846, 841(a)(1) & (b)(1)(A).

OVERT ACTS

In furtherance of said conspiracy and to effect and accomplish the objects thereof, the following acts, among others, were committed within the District of Hawaii, and elsewhere:

- a. In or about 2004, defendants MICHAEL SILVA ("SILVA") and JAMES LOW ("LOW") agreed to distribute quantities of methamphetamine within the District of Hawaii. SILVA and LOW agreed that LOW would "front" SILVA a pound of crystal methamphetamine ("ice") at a time for \$20,000 per pound. SILVA would then front a half-pound of the "ice" given to him by LOW to another individual for \$12,500.
- b. On or about June 5, 2005, SILVA went to LOW's residence at 1910 Ala Moana Boulevard, Apartment #10C in Honolulu, Hawaii where LOW fronted SILVA a pound of "ice" for \$20,000 per their agreement.
- c. On June 8, 2005, SILVA spoke with another individual on the telephone and told that person he could sell him an ounce of "ice" for \$1500 or a half-pound of "ice" for \$12,500. SILVA and the individual agreed to meet at the Aqua Marine Hotel in Waikiki to conduct their drug transaction.

d. On June 8, 2005, SILVA walked out of the lobby at the Aqua Marine Hotel with 103.7 grams of "ice" in his possession.

All in violation of Title 21, United States Code, Section 846.

Count 2

On or about June 8, 2005, in the District of Hawaii, defendant, MICHAEL SILVA, did knowingly and intentionally possess, with intent to distribute, 50 grams or more, to wit: approximately 104 grams, of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

Count 3

On or about June 8, 2005, in the District of Hawaii, defendant, JAMES LOW, did knowingly and intentionally possess, with intent to distribute, 50 grams or more, to wit: approximately 2,831 grams, of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).


Dated: September 21, 2005, at Honolulu, Hawaii.

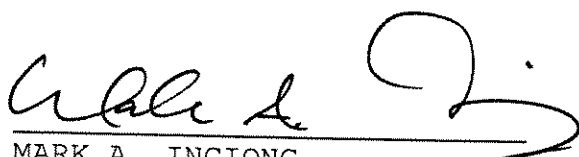
A TRUE BILL

/s/

FOREPERSON, GRAND JURY

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii


FLORENCE T. NAKAKUNI
Chief, Narcotics Section


MARK A. INCIONG
Assistant U.S. Attorney

United States v. James Low & Michael Silva
First Superseding Indictment
CR. No. 05-00260 JMS